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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,043	10/14/2004	Geir Monsen Vavik	CU-3831 RJS	3141
26530	7590	05/08/2007		
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			EXAMINER GREGORY, BERNARR E	
			ART UNIT 3662	PAPER NUMBER
			MAIL DATE 05/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/501,043	VAVIK, GEIR MONSEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bernarr E. Gregory	3662	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 115-170 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 115-170 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 115-170 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Throughout claims 115-170, each and every use of the disjunctive “or” is indefinite.

In independent claim 115, the uses of the terms “comprehensive” (line 8); “global” (line 8); and “consistent” (line 9) are indefinite and unclear in context. Please see 37 CFR §1.75(d)(1).

On line 2 of claim 115, it is unclear in context what is meant by “inconsistent properties.”

On lines 5-6 of claim 115, it is unclear if the items recited in the list (“transponders, including repeater, ... signal level adaptations”) are claimed or are merely context in the overall phrase “conditioned using transponders ...”.

On line 5 of claim 115, it is unclear in context if the word “repeater” was intended to be plural since it is used together with the plural word “transponders.”

On line 6 of claim 115, it is unclear what is meant by the inclusion of the function language “signal level adaptations” in the overall list of structural elements on lines 5-6 of claim 115.

On lines 3-4 of claim 115, the phrase, “which cannot sustain sufficient connectivity and bandwidth with said signal medium applied” is unclear in context

per se and in that it seems to present no structural modification of the earlier recited "telecommunication platform" (line 3).

On line 8 of claim 115, it is unclear in context what is meant by "sustainable connectivity."

On line 12 of claim 115, it is unclear in context if the recited "D/A and an A/D physical layer" are claimed.

On lines 6-13 of claim 115, the text starting at the word "where," near the end of line 6 of claim 115, and going to the end of the claim (i.e., "where said conditioning of said infrastructure system including ...") is indefinite and unclear in that the language is functional language that fails to claim clearly and definitely any structure to implement the functional language.

On line 3 of claim 118, "essentially similar" is indefinite and unclear in context. Two items may be similar or different, so it is unclear what "essentially similar" would encompass.

Throughout claims 115-170, each and every use of the words "or analogous" (e.g., line 2 of claim 122 and line 2 of claim 123) is indefinite and unclear in context.

Throughout claims 115-170, the uses of the terms "superregenerative" and "superheterodyne" are incorrectly written respectively as "super regenerative" and "super heterodyne." Since a prefix, such as super-, may not stand alone in English, the prefix must be affixed to the modified word. This problem similarly occurs throughout claims 115-170 with the words "multiport"

(e.g., written as “multi port” on line 6 of claim 122) and “substations” (e.g., written as “sub stations” on line 3 of claim 137). Correction is hereby **required**.

Throughout claims 115-170, the uses of “substantially higher” (e.g., on line 2 of claim 128) are indefinite and unclear in that the comparison is meaningless.

How much higher is “substantially higher”?

Throughout claims 115-170, the uses of the word “adaptable” are indefinite and unclear in context as potential language.

Throughout claims 115-170, each and every use of “very high,” “high,” “medium,” and “low” with respect to quantities such as voltage, impedance, frequency, and capacitance, is indefinite and unclear in context in that they do not denote definite ranges or values of the quantity.

On lines 2-3 of claim 137, the phrase, “practically all distribution panels, fuse panels, ... sub stations” is indefinite and unclear in context. The use of “practically all” with this list fails to clearly indicate what is included and what is excluded.

Throughout claims 115-170, the uses of the phrase “all or most” (e.g., line 2 of claim 141) are indefinite and unclear in context.

Throughout claims 115-170, the uses of the phrase “or similar” are indefinite and unclear in context. For example, the phrase is used on line 2 of claim 146 and on line 4 of claim 147 and on line 3 of claim 148.

Throughout claims 115-170, the uses of the phrase of the form “adapted for ...” (e.g., line 2 of claim 155 and lines 1-2 of claim 161) are indefinite and

unclear in context in that the claim language fails to set forth clearly and definitely what the adaptation is that facilitates the recited function. For example, in the phrase “adapted for frequency shifting” on lines 1-2 of claim 161 neither the phrase nor the remainder of the claim states that the adaptation is or what is adapted to achieve the function of “frequency shifting.” Similarly, throughout claims 115-170, the uses of phrase of the form “arranged to ...” (e.g. line 2 of claim 163) are indefinite and unclear in that the phrase does not set forth clearly and definitely what the arranging is that is done to achieve the function recited in the “arranged to ...” phrase.

On line 2 of claim 157, the use of “can” is indefinite and unclear in that it expresses potential.

On line 5 of claim 157, it is unclear in context what is meant by “high stray capacitance.”

On line 3 of claim 164, the words “supplementary installed” do not make sense together in context. The word “supplementary” is an adjective, but it appears from the context that an adverb was intended. Perhaps, “supplementarily” was meant.

Claims 131, 146, and 148 contain the possible trademarks/trade names Elastimold, Ethernet, DOCSIS, EURODOCSIS, 802.11x, Wimax, and GSM. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218

USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

On lines 3-4 of claim 139, it is unclear what is meant by a "Lecher ... mode."

On line 2 of claim 169, it is unclear what is meant by "snumber" in context.

Regarding claims 129 and 130, the expression of examples renders these claims indefinite because it is unclear whether the examples are part of the claimed invention. See MPEP § 2173.05(d). In claim 129, the examples are in the text, "modulation types, including modulation types requiring high linearity" on lines 2-3. In claim 130, the examples are in the text, "one or more of at least the modulation types ..." on lines 2-3.

Dependent claims 116-170 are unclear in that they depend from newly-added independent claim 115.


3. Claim 115 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
4. Claims 116-170 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (571) 272-6972. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (571) 272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Bernarr E. Gregory  
Primary Examiner  
Art Unit 3662